IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 10244 of 2004(T)

PETITIONER:

MOHAMMED NADIR, (PANCHAYATH SECRETARY)
AGED 50 YEARS, S/O. M.MOHAMMED KUNJU,
NAUSHAD MANZIL, CIVIL STATION WARD,
ALAPPUZHA.

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENTS:
----

1. **THE DIRECTOR,**
   LOCAL FUND AUDIT, THIRUVANANTHAPURAM.

2. **DEPUTY DIRECTOR,**
   LOCAL FUND AUDIT, DISTRICT OFFICE, ALAPPUZHA.

3. **MANNAR GRAMA PANCHAYATH,**
   REPRESENTED BY ITS SECRETARY.

BY GOVERNMENT PLEADER SRI.MOHAMMED PUZHAKKARA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.10244/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE NOTICE DT. 28.6.03 ISSUED BY THE IST RESPONDENT.

EXT.P2:- COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE THE IST RESPONDENT.

EXT.P3:- COPY OF THE SURCHARGE CERTIFICATE ISSUED UNDER SUB RULE (7) OF RULE 20 OF THE 2004 WHICH WAS RECEIVED BY THE PETITIONER ON 21.2.04.

EXT.P4:- COPY OF THE LOCAL AUDIT REPORT OF THE ACCOUNTS AND REGISTERS OF THE GRAMA PANCHAYAT, MANNAR (ALAPPUZHA DISTRICT) FOR THE YEARS 1997-98 TO 99-2000.

/TRUE COPY/

P.A. TO JUDGE

tss

KURIAN JOSEPH J.

Writ Petition (Civil) No.10244 of 2004

Dated 26th November, 2007.

J U D G M E N T

Petitioner is aggrieved by Ext.P3 surcharge certificate. It is submitted that the said order is passed without taking into consideration, Exts.P2 and P4 objections, and the same is a non-speaking order also. It is further submitted that the petitioner was not given any notice. It is seen from Ext.P3 that it is a standard form order and there was no advertence to the contentions taken by the petitioner in Exts.P2 and P4. Being a surcharge certificate, the petitioner should have been given an opportunity to defend his case. I quash Ext.P3. There will be a direction to the first respondent to consider the matter afresh with notice to the petitioner and pass a speaking order, within four months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

tgs